

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated January 22, 2010. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Claims 19 and 23 remain pending in the instant application. Favorable reconsideration is kindly requested.

Interview Summary

Applicant gratefully acknowledges the courtesy of Examiner MacArthur in granting a telephone interview held Friday April 30, 2010 with Applicant's undersigned representative and associate counsel David J. Torrente (Reg. No. 49,099), the substance of which is reflected in the remarks below. In brief, it was urged in the interview that the amendments proposed in the interview and made above merely clarify features already recited in the claims, and do not raise any new issues requiring further consideration or search.

The Examiner proposed to receive the enclosed as an informal draft proposal, and to consider it and call the undersigned to provide her comments thereon.

Rejection Under 35 U.S.C. §102

Claims 19 and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Hiromasa, *et al.* (JP 7-22361). Applicants respectfully traverse the rejection, for at least the following reasons.

Applicant refers to the Response to Arguments beginning at p. 2 of the Office Action. The Office Action considers, and Applicant agrees, that the substrate is not an element of the claims. The Office Action considered reference to its center as 'a matter of intended use', and therefore lacking patentable weight. In response, independent claim 19 is amended above to recite

...said processing solution discharge port and said single inner gas discharge port arranged on said inner shaft in plan view, with a center of said single inner gas discharge port arranged eccentrically to a center of said substrate held by said substrate holding/rotating element ~~so as to be off center relative to said inner shaft~~; and...

As originally worded, and certainly as amended, the center of the single inner gas discharge port is arranged eccentrically to the center of the inner shaft, on which it is located. This amendment is fully supported by the original disclosure as filed, for example at Fig. 2 and its accompanying description, among other places, and by its original pre-amendment language. The pre-amendment claim recited the inner gas discharge port was "off-center relative to said inner shaft". No new matter has been added. The amendment is believed to cure the objection noted

in the Office Action by clarifying that the location of the single inner gas discharge port is referenced to the inner shaft, which is also recited as part of the claim.

The Office Action states “the port of 30 is off-center while the port of 8 is centered.” Hiromasa discloses that piping 8 delivers adhesives via a centered nozzle 7. Feed pipe 30 for delivering gas passes through the center of the cone, and its center is concentric with nozzle 7 of piping 8, and the cover 6 as a whole. Therefore, neither structure of Hiromasa meets the terms of the inner gas discharge port having a center of said single inner gas discharge port arranged eccentrically to a center of the inner shaft, as recited in claim 19.

In addition to the inner gas port, claim 19 recites an annular outer gas discharge port “formed on said atmosphere blocking plate and interposed between an outer peripheral surface of said inner shaft and an inner peripheral surface of said support cylinder”. However, Hiromasa does not disclose both a single inner gas port arranged eccentrically and an annular outer gas discharge port as recited in the claim.

Therefore, Applicants respectfully submit that independent claim 19 is patentably distinguished over Hiromasa, for at least the foregoing reasons. Dependent claim 23 depends from claim 19 and incorporates its features by reference. While claim 23 is separately patentable, in the interest of brevity it is offered as patentable for at least the same reasons as its underlying independent base claim, noted above. Applicants respectfully submit that the rejection is therefore poorly taken, and kindly requests favorable reconsideration and withdrawal.

Claims 19 and 22-28 are rejected under 35 U.S.C. §102(b) as anticipated by Hiromi (JP 2000-156363). Applicants respectfully traverse the rejection, for at least the following reasons.

Hiromi does not disclose an “inner gas discharge port arranged on said inner shaft in plan view, with a center of said single inner gas discharge port arranged eccentrically to a center of said inner shaft” as recited in claim 19. Hiromi discloses (Fig. 2) a supporting spindle 14 having a concentric double structure tube 16, inner tube 16a, concentric tube 16b.

Neither does Hiromi disclose “an annular outer gas discharge port” as recited in claim 19. The Office Action considers that this feature is met by a circular arrangement of discrete circular ports 28 (Hiromi, Fig. 2). Applicant respectfully disagrees. The claim does not call for an annular arrangement of ports, but for an annular port. The Office Action achieves its rejection only by redefining the terms of the claim. One of ordinary skill in the art would not consider a plurality of circular ports to be ‘annular’, even if those ports were arranged in a circle.

The Office Action suggests that “applicant wants to recite or claim that the outer port have a continuous annular or continuous ring shape”. However, claim 19 already recites “the outer gas discharge port formed on said atmosphere blocking plate and interposed between an outer peripheral surface of said inner shaft and an inner peripheral surface of said support cylinder in plan view so as to continuously and annularly enclose said single inner gas discharge port.” This speaks to the characteristic the Office Action suggests that the claims do not include.

Even if the discrete ports 28 in circular arrangement are considered ‘annular’, the discrete ports 28 of Hiromi are not arranged between an outer peripheral surface of the inner shaft and an inner peripheral surface of the support cylinder. Furthermore, the discrete ports 28, even in combination, do not “continuously and annularly enclose said single inner gas discharge port”, as recited in claim 19. Therefore, the claim already recites language which the Office Action suggests is absent, and which it suggests distinguishes Hiromi.

Therefore, Applicants respectfully submit that independent claim 19 is likewise patentably distinguished over Hiromi. Dependent claim 23 depends from and incorporates the features of independent claim 19 by reference. While again separately patentable, in the interest of brevity dependent claim 23 is offered as patentable for at least the same reasons as its underlying independent base claim. Therefore, Applicants respectfully submit that the rejection has been poorly taken, and kindly requests favorable reconsideration and withdrawal.

Conclusion

In light of the foregoing, Applicants respectfully submit that all claims are allowable, and that the application is in condition to pass to issue. An early and favorable Notice of Allowability is kindly requested.

Respectfully submitted,



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ON MAY 21, 2010